

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 ENGROSSED SENATE
5 BILL NO. 664

By: Pugh of the Senate

and

Osburn of the House

10 An Act relating to the Alarm, Locksmith and Fire
11 Sprinkler Industry Act; amending 59 O.S. 2011,
12 Sections 1800.2, as amended Section 2, Chapter 90,
13 O.S.L 2018, 1800.3, as last amended by Section 1,
14 Chapter 247, O.S.L. 2015, 1800.3a, as amended by
15 Section 5, Chapter 368, O.S.L. 2012, 1800.4, as last
16 amended by Section 2, Chapter 107, O.S.L. 2017,
17 1800.5, as last amended by Section 3, Chapter 107,
18 O.S.L. 2017, 1800.6, as last amended by Section 4,
19 Chapter 107, O.S.L. 2017, Section 2, Chapter 247,
20 O.S.L. 2015, 1800.7, as last amended by Section 3,
21 Chapter 22, O.S.L. 2013, 1800.8, as last amended by
22 Section 4, Chapter 22, O.S.L. 2013, 1800.9, as last
23 amended by Section 5, Chapter 22, O.S.L. 2013,
24 1800.10, as last amended by Section 6, Chapter 22,
 O.S.L. 2013, 1800.11, as last amended by Section 7,
 Chapter 22, O.S.L. 2013, 1800.12, as last amended by
 Section 8, Chapter 22, O.S.L. 2013, 1800.13, as last
 amended by Section 9, Chapter 22, O.S.L. 2013,
 1800.14, as last amended by Section 44, Chapter 15,
 O.S.L. 2013, 1800.15, as last amended by Section 46,
 Chapter 15, O.S.L. 2013, 1800.16, as amended by
 Section 18, Chapter 368, O.S.L. 2012, and 1800.17, as
 amended by Section 19, Section 368, O.S.L. 2012 (59
 O.S. Supp. 2018, Sections 1800.2, 1800.3, 1800.3a,
 1800.4, 1800.5, 1800.6, 1800.6a, 1800.7, 1800.8,
 1800.9, 1800.10, 1800.11, 1800.12, 1800.13, 1800.14,
 1800.15, 1800.16 and 1800.17), which relate to the
 Alarm, Locksmith and Fire Sprinkler Industry Act;

1 modifying language; modifying name of act; updating
2 references; modifying definition; updating name of
3 certain fund; and providing an effective date.
4

5 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

6 SECTION 1. AMENDATORY 59 O.S. 2011, Section 1800.2, as
7 last amended by Section 2, Chapter 90, O.S.L. 2018 (59 O.S. Supp.
8 2018, Section 1800.2), is amended to read as follows:

9 Section 1800.2. As used in the Alarm, Locksmith and Fire
10 Sprinkler Industry Act:

11 1. "Alarm industry" means the sale, except as provided in
12 Section 1800.3 of this title, installation, alteration, repair,
13 replacement, service, inspection, or maintenance of alarm systems or
14 service involving receipt of alarm signals for the purpose of
15 employee response and investigation of such signals or any
16 combination of the foregoing activities except inspections on one-
17 and two-family dwellings are exempt;

18 2. "Alarm system" means one or more devices designed either to
19 detect and signal an unauthorized intrusion or entry or to signal a
20 fire or other emergency condition, which signals are responded to by
21 public law enforcement officers, fire department personnel, private
22 guards or security officers;

23 3. "Committee" means the Alarm and Locksmith Industry
24 Committee;

1 4. "Commissioner" means the Commissioner of Labor;

2 5. "Integrated security system" means a mechanical and/or
3 electronic security device that includes, but is not limited to,
4 multiple integrated locks, burglar alarm systems, access control
5 systems, fiber optic security systems, video surveillance systems,
6 and nurse call systems, but does not include a stand-alone-single-
7 element of an integrated security system;

8 6. "Licensee" means any person licensed pursuant to the Alarm,
9 Locksmith and Fire Sprinkler Industry Act;

10 7. "Lock" means mechanical or electronic devices consisting
11 entirely of Class 2 or Class 3 circuits and power source
12 requirements as established by the National Electrical Code and
13 designed to control use of a device or control ingress or egress of
14 a structure or automobile, including, but not limited to, peripheral
15 devices to alarm systems, safes, vaults, safe deposit boxes,
16 biometric/retina readers and mechanical or electronic key systems;

17 8. "Locksmith industry" means the sale, servicing or
18 installing, repairing, rebuilding, readying, rekeying, repinning,
19 adjusting or installing locks, mechanical or electronic security
20 devices, annunciation devices not designed to require a response by
21 law enforcement or opening or bypassing a lock by a means other than
22 those intended by the manufacturer of such devices. For the
23 purposes of the Alarm, Locksmith and Fire Sprinkler Industry Act,
24 "mechanical or electronic security devices" includes, but is not

1 limited to, access control systems including peripheral devices to
2 alarm systems, fiber optic security systems, fire sprinklers, closed
3 circuit television, video surveillance and nurse call systems;

4 9. "Person" means an individual, sole proprietorship, firm,
5 partnership, association, limited liability company, corporation, or
6 other similar entity; and

7 10. "Residential alarm monitoring or service contract" means a
8 contract with end users for alarm monitoring and/or services for
9 individual residential premises for their own use.

10 SECTION 2. AMENDATORY 59 O.S. 2011, Section 1800.3, as
11 last amended by Section 1, Chapter 247, O.S.L. 2015 (59 O.S. Supp.
12 2018, Section 1800.3), is amended to read as follows:

13 Section 1800.3. The Alarm ~~and~~, Locksmith and Fire Sprinkler
14 Industry Act shall not apply to:

15 1. An officer or employee of this state, the United States or a
16 political subdivision of either, while the employee or officer is
17 engaged in the performance of official duties;

18 2. An individual who owns and installs alarm devices,
19 mechanical or electronic security devices and locks on the
20 individual's own property or, if the individual does not charge for
21 the device or its installation, installs it for the protection of
22 the individual's personal property located on another's property,
23 and does not install the alarm devices, mechanical or electronic
24

1 security devices and locks as a normal business practice on the
2 property of another;

3 3. The sale of alarm or lock systems designed or intended for
4 customer or user installation;

5 4. The sale, installation, service, or repair of alarm systems
6 or electronic security devices such as electronic access control,
7 closed circuit television, video surveillance, nurse call systems
8 and the like by individuals licensed pursuant to the Electrical
9 License Act;

10 5. The locksmith industry activities of tow truck operators
11 from their towing vehicles or repossession agents within the
12 execution of their duties;

13 6. Locksmith industry activities of persons primarily engaged
14 in selling lumber and other building materials who hold a sales tax
15 permit as a Group One vendor authorized to engage in business within
16 this state pursuant to Sections 1363 and 1364 of the Oklahoma Sales
17 Tax Code;

18 7. The solicitation of a potential alarm system customer by a
19 person via telephone or electronic device on behalf of an Oklahoma
20 licensed alarm company for the sale of an alarm system; or

21 8. The sale of alarm or locksmith products or systems by a
22 retail counter sales agent upon the conditions required by Section 2
23 1800.6a of this ~~act~~ title.

1 SECTION 3. AMENDATORY 59 O.S. 2011, Section 1800.3a, as
2 amended by Section 5, Chapter 368, O.S.L. 2012 (59 O.S. Supp. 2018,
3 Section 1800.3a), is amended to read as follows:

4 Section 1800.3a. Any person engaged in any activity regulated
5 by the Alarm ~~and~~, Locksmith and Fire Sprinkler Industry Act, when
6 installing or repairing electrical circuits consisting entirely of
7 Class 2 or Class 3 circuits and power source requirements as
8 established by the National Electrical Code shall not be required to
9 obtain any license as required by the Electrical Licensing Act, if
10 such person is licensed pursuant to the provisions of the Alarm ~~and~~,
11 Locksmith and Fire Sprinkler Industry Act; provided, however,
12 persons performing installations, repairs or other work on any
13 electrical circuits other than Class 2 or Class 3 circuits shall be
14 required to be properly licensed or registered pursuant to the
15 Electrical Licensing Act.

16 SECTION 4. AMENDATORY 59 O.S. 2011, Section 1800.4, as
17 last amended by Section 2, Chapter 107, O.S.L. 2017 (59 O.S. Supp.
18 2018, Section 1800.4), is amended to read as follows:

19 Section 1800.4. A. There is hereby created the Alarm ~~and~~,
20 Locksmith and Fire Sprinkler Industry Committee, which shall consist
21 of nine (9) members. One member shall be the Commissioner of Labor
22 or the Commissioner's designated representative and eight members
23 shall be appointed by the Governor with the consent of the Senate.
24 Seven of the appointed members shall have at least five (5) years of

1 experience in the alarm ~~or~~, locksmith or fire sprinkler industry or
2 in a closely related field with broad working knowledge of the alarm
3 ~~or~~, locksmith or fire sprinkler industry and active employment
4 status in such field during the term of appointment. At least one
5 of the appointed members shall be from each working field or closely
6 related industries of burglar alarm, fire alarm, fire sprinkler,
7 electronic access control, locksmith, closed circuit television,
8 video surveillance, and nurse call system, except when a qualified
9 candidate for appointment is not available in the working field.

10 One of the appointed members shall be a lay member. No member shall
11 be employed by the same person as any other member of the Committee.

12 ~~On November 1, 2012, the State Commissioner of Health then serving~~
13 ~~on the Alarm and Locksmith Industry Committee shall be replaced by~~
14 ~~the Commissioner of Labor, and all other committee members shall~~
15 ~~continue to serve until their term has expired or is otherwise~~
16 ~~vacated. Nothing shall prohibit the reappointment of any member~~
17 ~~provided the reappointment does not exceed term limits.~~

18 B. The term of office of each appointed member shall be a
19 staggered term of four (4) years with a limit of two full terms.
20 Notwithstanding the term of office, each appointed member shall
21 continue to serve until his or her successor has been duly qualified
22 and appointed. All appointees must qualify under the Alarm,
23 Locksmith and Fire Sprinkler Industry Act.

1 C. Members of the Committee may be removed from office by the
2 Governor at any time. A member missing two or more committee
3 meetings in a single year without justifiable cause may be removed
4 and replaced by the Governor at the request of the Committee.

5 D. Vacancies shall be filled by appointment by the Governor
6 with the consent of the Senate for the unexpired term of the
7 vacancy. Should an appointment from a working field become vacant
8 or be without qualified candidates for appointment, that working
9 field may be filled by a person from another working field.

10 E. The members of the Committee shall serve without pay but may
11 be reimbursed for actual expenses pursuant to the State Travel
12 Reimbursement Act.

13 F. The Committee shall elect from among its membership a chair,
14 vice-chair and secretary to serve terms of not more than two (2)
15 years ending on May 31 of the year designated by the Committee. The
16 chair or vice-chair shall preside at all meetings. The chair, vice-
17 chair and secretary shall perform such duties as may be decided by
18 the Committee in order to effectively administer the Alarm,
19 Locksmith and Fire Sprinkler Industry Act or as directed by the
20 Commissioner of Labor.

21 G. A majority of Committee members shall constitute a quorum to
22 transact official business.

1 H. The Committee shall meet at such times as the Committee
2 deems necessary to implement the Alarm, Locksmith and Fire Sprinkler
3 Industry Act.

4 I. The Committee shall assist and advise the Commissioner on
5 all matters relating to the formulation of rules, regulations and
6 standards in accordance with the Alarm, Locksmith and Fire Sprinkler
7 Industry Act.

8 SECTION 5. AMENDATORY 59 O.S. 2011, Section 1800.5, as
9 last amended by Section 3, Chapter 107, O.S.L. 2017 (59 O.S. Supp.
10 2018, Section 1800.5), is amended to read as follows:

11 Section 1800.5. A. The Alarm ~~and~~, Locksmith and Fire Sprinkler
12 Industry Committee shall have the following duties and powers:

13 1. To assist the Commissioner of Labor in licensing and
14 otherwise regulating persons engaged in an alarm or locksmith
15 industry business;

16 2. To determine qualifications of applicants pursuant to the
17 Alarm, Locksmith and Fire Sprinkler Industry Act;

18 3. To assist the Commissioner in prescribing and adopting forms
19 for license applications and initiate mailing of such application
20 forms to all persons requesting such applications;

21 4. To assist the Commissioner in disciplinary actions,
22 including the denial, suspension or revocation of licenses as
23 provided by the Alarm, Locksmith and Fire Sprinkler Industry Act;

1 5. To assist the Commissioner with charging and collecting such
2 fees as are prescribed by the Alarm, Locksmith and Fire Sprinkler
3 Industry Act;

4 6. To assist the Commissioner in establishing and enforcing
5 standards governing the materials, services and conduct of the
6 licensees and their employees in regard to the alarm ~~and,~~ locksmith
7 and fire sprinkler industry;

8 7. To assist the Commissioner in promulgating rules necessary
9 to carry out the administration of the Alarm, Locksmith and Fire
10 Sprinkler Industry Act;

11 8. To investigate or assist in investigating alleged violations
12 of the provisions of the Alarm, Locksmith and Fire Sprinkler
13 Industry Act and any rules and regulations promulgated thereto;

14 9. To assist the Commissioner in identifying advances in
15 technology and establishing categories of licenses for the Alarm,
16 Locksmith and Fire Sprinkler Industry Act and application
17 requirements for each category including, but not limited to,
18 individual license, experience requirements, educational
19 requirements, fingerprints, photographs, examinations, and fees;

20 10. To assist the Commissioner in providing for grievance and
21 appeal procedures pursuant to the Administrative Procedures Act for
22 any person whose license is denied, revoked or suspended; and

23 11. To exercise such other powers and duties as are necessary
24 to implement the Alarm, Locksmith and Fire Sprinkler Industry Act.

1 B. The Department of Labor is authorized to regulate any
2 advancements in technology that apply to the alarm, locksmith and
3 fire sprinkler industry.

4 SECTION 6. AMENDATORY 59 O.S. 2011, Section 1800.6, as
5 last amended by Section 4, Chapter 107, O.S.L. 2017 (59 O.S. Supp.
6 2018, Section 1800.6), is amended to read as follows:

7 Section 1800.6. No person shall engage in an alarm ~~or,~~
8 locksmith or fire sprinkler industry business in this state without
9 first having obtained a license pursuant to the provisions of the
10 Alarm, Locksmith and Fire Sprinkler Industry Act; provided, however,
11 a business or person licensed pursuant to the Alarm, Locksmith and
12 Fire Sprinkler Industry Act shall not be required to obtain multiple
13 licenses to install, repair or modify any component of an integrated
14 security system, excluding commercial fire alarm and fire sprinkler
15 systems.

16 SECTION 7. AMENDATORY Section 2, Chapter 247, O.S.L.
17 2015 (59 O.S. Supp. 2018, Section 1800.6a), is amended to read as
18 follows:

19 Section 1800.6a. A. For purposes of this section and paragraph
20 8 of Section 1800.3 of ~~Title 59 of the Oklahoma Statutes~~ this title,
21 "retail counter sales agent" means an individual employed by or
22 working on behalf of an Oklahoma licensed alarm or locksmith company
23 for the purpose of selling technology devices and services to the
24

1 general public in a commercial retail setting, including alarm ~~and~~,
2 locksmith and fire sprinkler services and equipment.

3 B. 1. Every retail counter sales agent shall undergo a
4 national criminal history records search by a third party or the
5 Department of Labor. The Department of Labor, upon establishing
6 good cause, may demand that an alarm ~~or~~, locksmith or fire sprinkler
7 company provide the results of a criminal history records search for
8 an individual retail counter sales agent. Upon receipt of any such
9 demand, an alarm ~~or~~, locksmith or fire sprinkler company shall have
10 a reasonable period of time to provide the results to the Department
11 of Labor. The Department of Labor shall not disseminate the results
12 of any criminal history records search described in this subsection,
13 and such records shall not be subject to the Open Records Act. For
14 purposes of this subsection, "selling" means the initial
15 communications with the customer to determine the appropriate alarm
16 products or systems to be purchased and installed, but shall not
17 include actual installation locations or the final design, plan or
18 laying out of the alarm products or systems. No person shall act as
19 a retail counter sales agent if the results of the criminal
20 background check are unsuccessful in accordance with the Arrest and
21 Conviction Records in Employment Best Practices brochure published
22 by the United States Equal Employment Opportunity Commission.

23 2. A retail counter sales agent shall not be permitted access
24 to any customer's unique alarm access codes or other confidential

1 information aside from the information necessary to complete a
2 retail sale transaction.

3 C. Any alarm ~~or~~, locksmith or fire sprinkler company failing to
4 comply with the provisions of this section shall be deemed in
5 violation of the Alarm ~~and~~, Locksmith and Fire Sprinkler Industry
6 Act. The Department of Labor may revoke or suspend the license of
7 the person for a violation of this section.

8 SECTION 8. AMENDATORY 59 O.S. 2011, Section 1800.7, as
9 last amended by Section 3, Chapter 22, O.S.L. 2013 (59 O.S. Supp.
10 2018, Section 1800.7), is amended to read as follows:

11 Section 1800.7. A. Any person applying for a license to engage
12 in an alarm or locksmith industry business pursuant to the Alarm
13 ~~and~~, Locksmith and Fire Sprinkler Industry Act shall provide
14 evidence to the Alarm ~~and~~, Locksmith and Fire Sprinkler Industry
15 Committee that the individual within this state having direct
16 supervision over the function and local operations of such alarm ~~or~~,
17 locksmith or fire sprinkler industry business or a branch thereof
18 has the following qualifications:

19 1. Is at least eighteen (18) years of age;

20 2. Has not been declared by any court of competent jurisdiction
21 incompetent by reason of mental defect or disease, and has not been
22 restored to competency;

23 3. Is not a habitual user of intoxicating liquors or a user of
24 any illegal or illicit drug or controlled substance, including, but

1 not limited to, the non-medical use of any prescription drug or
2 other intoxicating substance;

3 4. Has not been discharged from the Armed Services of the
4 United States under dishonorable conditions;

5 5. Is of good moral character; and

6 6. Meets such other standards as may be established by the
7 Commissioner of Labor relating to experience or knowledge of the
8 alarm ~~or~~, locksmith or fire sprinkler industry.

9 B. The applicant shall advise the Committee and furnish full
10 information on each individual described in subsection A of this
11 section of any conviction of a felony or any crime involving moral
12 turpitude for which a full pardon has not been granted and furnish a
13 recent photograph of a type prescribed by the Commissioner and two
14 classifiable sets of fingerprints of such individual.

15 SECTION 9. AMENDATORY 59 O.S. 2011, Section 1800.8, as
16 last amended by Section 4, Chapter 22, O.S.L. 2013 (59 O.S. Supp.
17 2018, Section 1800.8), is amended to read as follows:

18 Section 1800.8. A. An application for a company license shall
19 include:

20 1. The address of the principal office of the applicant and the
21 address of each branch office of the applicant located within this
22 state;

23 2. The name per business location under which the applicant
24 intends to do business as a licensee;

1 3. A statement explaining the extent and scope of the
2 applicant's alarm ~~or~~, locksmith or fire sprinkler industry business;

3 4. A photograph taken by the Department of Labor or an entity
4 approved by the Department in accordance with the licensing
5 procedures adopted by the Department. If the applicant is a sole
6 proprietor, the photo shall be of the applicant, or if the applicant
7 is an entity, the photo shall be of each officer and of each partner
8 or shareholder who owns an interest in the entity of twenty-five
9 percent (25%) or greater;

10 5. Two classifiable sets of fingerprints of the applicant, if
11 the applicant is a sole proprietor, or of each officer and of each
12 partner or shareholder who owns a twenty-five percent (25%) or
13 greater interest in the applicant, if the applicant is an entity;
14 and

15 6. Such other information, statements or documents as may be
16 required by the Commissioner of Labor.

17 B. An applicant for an individual license shall provide such
18 documents, statements or other information as may be required by the
19 Commissioner, including two classifiable sets of fingerprints of the
20 applicant. The fingerprints may be used for a national criminal
21 history record check as defined by Section 150.9 of Title 74 of the
22 Oklahoma Statutes.

23 C. Fees for license and renewal issued pursuant to the Alarm
24 ~~and~~, Locksmith and Fire Sprinkler Industry Act shall be adopted by

1 the Department of Labor. Provided, the fees provided for in this
2 subsection shall not exceed Two Hundred Fifty Dollars (\$250.00). An
3 applicant shall pay the license fee at the time the applicant makes
4 application. All fees shall be nonrefundable.

5 SECTION 10. AMENDATORY 59 O.S. 2011, Section 1800.9, as
6 last amended by Section 5, Chapter 22, O.S.L. 2013 (59 O.S. Supp.
7 2018, Section 1800.9), is amended to read as follows:

8 Section 1800.9. A. Upon receiving proper application, payment
9 of the proper license fee, and certification of recommendation by
10 the Alarm ~~and~~, Locksmith and Fire Sprinkler Industry Committee, the
11 Commissioner of Labor shall issue a license to the applicant. The
12 license shall be valid for a one-year term.

13 B. Renewal of a license shall not prohibit disciplinary
14 proceedings for an act committed prior to the renewal.

15 C. The Commissioner may adopt a system under which licenses
16 expire on various dates throughout the year. For any change in such
17 expiration dates, license fees shall be prorated on an appropriate
18 periodic basis.

19 SECTION 11. AMENDATORY 59 O.S. 2011, Section 1800.10, as
20 last amended by Section 6, Chapter 22, O.S.L. 2013 (59 O.S. Supp.
21 2018, Section 1800.10), is amended to read as follows:

22 Section 1800.10. A. A license shall not be altered or
23 assigned.

1 B. A company license shall be posted in a conspicuous place in
2 each alarm ~~or~~, locksmith or fire sprinkler industry business
3 location of the licensee.

4 C. A company licensee shall notify the Commissioner of Labor
5 within fourteen (14) days of any change of information furnished on
6 the licensee's application for license or on the licensee's license
7 including, but not limited to, change of ownership, address,
8 business activities, or any developments related to the
9 qualifications of the licensee or the individual described in
10 Section 1800.7 of this title. If the licensee for any reason ceases
11 to engage in an alarm ~~or~~, locksmith or fire sprinkler industry
12 business in this state, the licensee shall notify the Committee
13 within fourteen (14) days of such cessation. If the required notice
14 of cessation is not given to the Committee within fourteen (14)
15 days, the license may be suspended or revoked by the Commissioner on
16 recommendation of the Committee.

17 D. No person shall represent falsely that the person is
18 licensed or employed by a licensee. Any such action shall
19 constitute a violation of the Alarm ~~and~~, Locksmith and Fire
20 Sprinkler Industry Act.

21 E. Each company licensee shall maintain, update and provide a
22 record containing such information relative to the licensee's
23 employees as may be required by the Commissioner.

1 SECTION 12. AMENDATORY 59 O.S. 2011, Section 1800.11, as
2 last amended by Section 7, Chapter 22, O.S.L. 2013 (59 O.S. Supp.
3 2018, Section 1800.11), is amended to read as follows:

4 Section 1800.11. The licensee shall be responsible to the Alarm
5 ~~and~~, Locksmith and Fire Sprinkler Industry Committee in matters of
6 conduct of business activities covered by the Alarm ~~and~~, Locksmith
7 and Fire Sprinkler Industry Act. The licensee shall be responsible
8 for the activities on the part of the licensee's employees. For
9 purposes of the Alarm ~~and~~, Locksmith and Fire Sprinkler Industry
10 Act, improper conduct on the part of any employees which occurs
11 within the scope of employment may be considered by the Committee as
12 acts of the licensee.

13 SECTION 13. AMENDATORY 59 O.S. 2011, Section 1800.12, as
14 last amended by Section 8, Chapter 22, O.S.L. 2013 (59 O.S. Supp.
15 2018, Section 1800.12), is amended to read as follows:

16 Section 1800.12. A. Any municipality or county may levy and
17 collect reasonable charges for alarm installation connections
18 located in or at a police or fire department which is owned,
19 operated or monitored by the municipality or county. Any
20 municipality or county may require discontinuance of service of any
21 alarm signal device which, due to mechanical malfunction or faulty
22 equipment, causes excessive false alarms and, in the opinion of the
23 appropriate county or municipal official, becomes a detriment to the
24 functions of the department involved. The municipality or county

1 may cause the disconnection of the device until the same is repaired
2 to the satisfaction of the appropriate official; however the
3 municipality or county shall advise the owner or user of the device
4 of the disconnection in advance or as soon as reasonably
5 practicable. The municipality or county may levy and collect
6 reasonable reconnection fees. Mechanical malfunction and faulty
7 equipment shall not include, for the purpose of the Alarm ~~and,~~
8 Locksmith and Fire Sprinkler Industry Act, false alarms caused by
9 human error or an act of God.

10 B. No municipality may adopt any ordinance concerning the
11 licensing of any alarm ~~or,~~ locksmith or fire sprinkler industry
12 business or individual which is or may be licensed pursuant to the
13 Alarm ~~and,~~ Locksmith and Fire Sprinkler Industry Act.

14 SECTION 14. AMENDATORY 59 O.S. 2011, Section 1800.13, as
15 last amended by Section 9, Chapter 22, O.S.L. 2013 (59 O.S. Supp.
16 2018, Section 1800.13), is amended to read as follows:

17 Section 1800.13. A. The Commissioner of Labor on
18 recommendation of the Alarm ~~and,~~ Locksmith and Fire Sprinkler
19 Industry Committee may suspend any license, upon the conviction of
20 any individual named on the license or on the application for
21 license of a felony, for a period not to exceed thirty (30) days
22 pending a full investigation by the Committee. Such investigation
23 shall be initiated within the thirty-day period of the suspension.
24 A final determination by the Committee shall result in either

1 removal of the suspension or such sanction as the Commissioner
2 considers appropriate, as provided by the Alarm ~~and~~, Locksmith and
3 Fire Sprinkler Industry Act.

4 B. The Commissioner may revoke or suspend any license,
5 reprimand any licensee or deny any application for license or
6 renewal if, in the judgment of the Committee:

7 1. The applicant or licensee has violated any provision of the
8 Alarm ~~and~~, Locksmith and Fire Sprinkler Industry Act or any rule or
9 regulation promulgated thereto;

10 2. The applicant or licensee has committed any offense
11 resulting in the applicant's or licensee's conviction of a felony or
12 crime involving moral turpitude. Provided, however, if the
13 applicant has had no felony convictions at least ten (10) years
14 prior to making application for a license and the applicant has
15 shown the Committee that the applicant has been rehabilitated, the
16 Committee may recommend the applicant for a license;

17 3. The applicant or licensee has practiced fraud, deceit,
18 theft, larceny, arson, or misrepresentation;

19 4. The applicant or licensee has made a material misstatement
20 in any information required by the Committee; or

21 5. The applicant or licensee has demonstrated incompetence or
22 untrustworthiness in the applicant's or licensee's actions.

23 C. The Committee shall, before final action under subsection B
24 of this section, provide ~~thirty (30) days of~~ a thirty-day written

1 notice to the applicant or licensee involved, of the action intended
2 and give sufficient opportunity for such person to request an
3 administrative hearing and to be represented by an attorney. A
4 hearing shall be scheduled by the Commissioner if so requested as
5 provided in the Administrative Procedures Act.

6 D. In the event the Commissioner denies the application for, or
7 revokes or suspends, any license or imposes any reprimand, a record
8 of such action shall be in writing and officially signed by the
9 Commissioner. The original copy shall be filed with the Department
10 of Labor and a copy mailed to the affected applicant or licensee
11 within two (2) days of the final action taken by the Commissioner.

12 E. Notice of the suspension or revocation of any license shall
13 be made public record.

14 F. A suspended license shall be subject to expiration and may
15 be renewed as provided by the Alarm ~~and~~, Locksmith and Fire
16 Sprinkler Industry Act, regardless of the term of suspension;
17 provided, a renewal shall not remove the suspension term.

18 G. A revoked license terminates on the date of revocation and
19 cannot be reinstated; provided, the Commissioner may reverse the
20 revocation action. Any licensee whose license is revoked shall
21 apply for a new license and meet all requirements for a license as
22 stated in the Alarm ~~and~~, Locksmith and Fire Sprinkler Industry Act
23 prior to engaging in any alarm ~~or~~, locksmith or fire sprinkler
24 industry business activities. The Committee and the Commissioner

1 shall take action on the new application and may require additional
2 safeguards against such acts by the applicant as may have been the
3 cause of the revocation of the prior license.

4 SECTION 15. AMENDATORY 59 O.S. 2011, Section 1800.14, as
5 last amended by Section 44, Chapter 15, O.S.L. 2013 (59 O.S. Supp.
6 2018, Section 1800.14), is amended to read as follows:

7 Section 1800.14. There is hereby created in the State Treasury
8 a revolving fund for the Department of Labor, to be designated the
9 "Alarm ~~and~~, Locksmith and Fire Sprinkler Industry Revolving Fund".
10 The fund shall be a continuing fund, not subject to fiscal year
11 limitations, and shall consist of all monies received by the Alarm
12 ~~and~~, Locksmith and Fire Sprinkler Industry Committee or the
13 Department of Labor pursuant to the Alarm ~~and~~, Locksmith and Fire
14 Sprinkler Industry Act. All monies accruing to the credit of the
15 fund are hereby appropriated and may be budgeted and expended by the
16 Commissioner of Labor for the purpose of administration,
17 implementing, and enforcement of the Alarm ~~and~~, Locksmith and Fire
18 Sprinkler Industry Act, including, but not limited to, office
19 administration and personnel expense, licensing and training,
20 reimbursements in accordance with the State Travel Reimbursement
21 Act, and other necessary expenses relating to the Alarm ~~and~~,
22 Locksmith and Fire Sprinkler Industry Act. The Commissioner shall
23 not expend or transfer any monies from this fund for any purpose not
24 relating to the Alarm ~~and~~, Locksmith and Fire Sprinkler Industry

1 Act. Expenditures from the fund shall be made upon warrants issued
2 by the State Treasurer against claims filed as prescribed by law
3 with the Director of the Office of Management and Enterprise
4 Services for approval and payment.

5 SECTION 16. AMENDATORY 59 O.S. 2011, Section 1800.15, as
6 last amended by Section 46, Chapter 15, O.S.L. 2013 (59 O.S. Supp.
7 2018, Section 1800.15), is amended to read as follows:

8 Section 1800.15. The Commissioner of Labor shall pay all costs
9 of administration of the Alarm ~~and~~, Locksmith and Fire Sprinkler
10 Industry Act from fees, monies and other revenue collected pursuant
11 to the provisions of the Alarm ~~and~~, Locksmith and Fire Sprinkler
12 Industry Act. At no time shall a claim for payment be submitted to
13 the Director of the Office of Management and Enterprise Services or
14 the State Treasurer if the revenue deposited in the Alarm ~~and~~,
15 Locksmith and Fire Sprinkler Industry Revolving Fund to the current
16 date does not equal or exceed the total claims for payments made to
17 that date.

18 SECTION 17. AMENDATORY 59 O.S. 2011, Section 1800.16, as
19 amended by Section 18, Chapter 368, O.S.L. 2012 (59 O.S. Supp. 2018,
20 Section 1800.16), is amended to read as follows:

21 Section 1800.16. A. Any person violating any of the provisions
22 of the Alarm ~~and~~, Locksmith and Fire Sprinkler Industry Act, upon
23 conviction, shall be guilty of a misdemeanor punishable by
24 confinement in the county jail for a period not to exceed one (1)

1 year or by the imposition of a fine not to exceed Five Hundred
2 Dollars (\$500.00), or by both such imprisonment and fine.

3 B. 1. In addition to any other penalties provided by law, if
4 after a hearing in accordance with Article II of the Administrative
5 Procedures Act, the Commissioner of Labor finds any person to be in
6 violation of any of the provisions of the Alarm ~~and~~, Locksmith and
7 Fire Sprinkler Industry Act or the rules promulgated pursuant
8 thereto, the person may be subject to an administrative fine of not
9 more than Two Hundred Dollars (\$200.00) for each violation. Each
10 day a person is in violation may constitute a separate violation.
11 The maximum fine shall not exceed One Thousand Dollars (\$1,000.00).

12 2. All administrative fines collected pursuant to the
13 provisions of this subsection shall be deposited in the Alarm ~~and~~,
14 Locksmith and Fire Sprinkler Industry Revolving Fund.

15 SECTION 18. AMENDATORY 59 O.S. 2011, Section 1800.17, as
16 amended by Section 19, Chapter 368, O.S.L. 2012 (59 O.S. Supp. 2018,
17 Section 1800.17), is amended to read as follows:

18 Section 1800.17. The Commissioner of Labor is hereby authorized
19 to promulgate, adopt, amend, and repeal rules consistent with the
20 provisions of the Alarm ~~and~~, Locksmith and Fire Sprinkler Industry
21 Act for the purpose of governing the establishment and levying of
22 administrative fines and the examination and licensure of alarm ~~or~~,
23 locksmith or fire sprinkler companies, managers, technicians, and
24 salespersons.

SECTION 19. This act shall become effective November 1, 2019.

COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND COMMERCE, dated
03/27/2019 - DO PASS.